

# COASTAL CONSERVANCY

Staff Recommendation  
May 27, 2010

## **CORDA RANCH CONSERVATION EASEMENT**

File No. 08-102-01  
Project Manager: Su Corbaley

**RECOMMENDED ACTION:** Authorization to disburse up to \$1,000,000 to the Marin Agricultural Land Trust to acquire an agricultural conservation easement over the 1214-acre Corda Ranch.

**LOCATION:** Five miles west of the city of Novato, Marin County (Exhibit 1)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy Program

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### **EXHIBITS**

- Exhibit 1: [Project Location Maps](#)
  - Exhibit 2: [MALT Protected Lands](#)
  - Exhibit 3: [Creek Conservation Areas](#)
  - Exhibit 4: [Site Photographs](#)
  - Exhibit 5: [Project Letters](#)
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### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$1,000,000 (one million dollars) to the Marin Agricultural Land Trust for the acquisition of an agricultural conservation easement over the Corda Ranch property in Marin County (Marin County Assessors Parcel No. 125-100-11), subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Marin Agricultural Land Trust shall submit for review and approval of the Executive Officer of the Conservancy (the “Executive Officer”):
    - a. All relevant acquisition documents, including, without limitation, appraisals, purchase agreements, conservation easement, escrow instructions and documents of title.
    - b. A Baseline Conditions Report certified by the grantor and a Monitoring and Reporting Plan.
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- c. Documentation that all other funds necessary to the acquisition have been obtained.
2. The purchase price of the conservation easement shall not exceed fair market value, as established in an appraisal approved by the Executive Officer.
3. The easement interest acquired under this authorization shall be managed and operated in a manner consistent with the purpose of agricultural conservation, open space preservation and natural resource protection. The property interests acquired under this authorization shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign, the design and placement of which has been reviewed and approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the preservation of agricultural lands.
3. The Marin Agricultural Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes, which include the preservation of land for agricultural and open space uses, are consistent with Division 21 of the Public Resources Code.”

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**PROJECT SUMMARY:** The proposed authorization would enable the Marin Agricultural Land Trust (MALT) to acquire an agricultural conservation easement over the Corda Ranch, located five miles west of the city of Novato in Marin County (Exhibit 1). The Corda family has owned the ranch since the early 1900s and operated a dairy on the ranch until 1994, when the family leased the property for heifer replacement and silage production. In 2007, a second lease was let for grazing beef cattle. The property is owned in varying percentages by two brothers and two sisters. The family seeks to protect the property by an easement to preserve its agricultural use and values and also to protect it from subdivision when it passes to the next generation, which includes more than a dozen relatives with potentially conflicting interests for its future use. Following the sale of a conservation easement, the property will be owned by one of the brothers who will manage it with his sons for agricultural purposes.

The Corda Ranch is wholly within the Novato Creek watershed situated on terrain ranging in elevation from 400 feet above mean sea level along Novato Boulevard to 1,200 feet at several hilltops and ridges. The ranch is connected at its northern and southern boundaries to two other properties protected by MALT easements. The addition of the Corda Ranch as protected agricultural lands would create a continuous north-south buffer against expansion of the western edge of Novato and provide a wildlife corridor forever protected from development (Exhibit 2).

In addition to spectacular panoramic 360-degree views of the bay area, the ranch offers the solitude often sought by estate buyers. Its setting and size, and proximity to Novato, Petaluma,

Santa Rosa and San Francisco, make the property highly desirable for purchase by an estate buyer or developer. The purchase of agricultural land for use as rural estates is one of the most pressing problems facing the agricultural sector in Marin County because it often results in increased property values, making it hard for ranchers to compete with increased lease and purchase prices. More important, every acre removed from production diminishes Marin County's agricultural heritage, reduces the open space available as wildlife corridors and deteriorates the view shed. Though currently protected by a voluntary 10-year Williamson Act contract, the property, which is zoned Agriculture and Conservation District, 60-acre density, could in theory be developed into 20 home sites in the future.

The purchase of a conservation easement over the Corda Ranch will accomplish many goals and give rise to many public benefits. These include the conservation of an additional 1241 acres of agricultural land, the prevention of subdivision, the preservation of scenic open space, wildlife habitat, and the cultural aspects of the Bay Area's agricultural heritage, the protection of natural resources, such as oak woodlands and the water quality of Novato Creek, and the continuation of productive economic uses of private property. Novato Creek, which is located on the property and which drains to Stafford Lake and supplies drinking water to the City of Novato, is also biologically important because the North Marin Water District uses it to protect the fall salmon run in Novato Creek through targeted releases.

While still in draft form, the proposed easement will comply with the easement standards adopted by the Conservancy on May 24, 2007 (the "easement standards"). In particular, the easement will require that a baseline report and monitoring plan that are consistent with the easement standards be prepared and approved by the Conservancy prior to close of escrow, and the easement will contain all essential provisions required by the easement standards.

The conservation easement will restrict uses of the property to agricultural and existing residential uses. It will more fully protect the public benefits of agriculture, open space scenic value, and water quality by limiting development of the property to the three existing residences and an associated garage, and by prohibiting subdivision of the land. The easement would also prohibit recreational off-road vehicle riding; restrict tree harvesting or removal within 30 to 50 feet (depending on slope) from the banks of creeks without prior approval of MALT; protect the oak woodland resources on the property, prohibit dumping of wastes, refuse, or debris; bar practices that cause soil degradation or reduced water quality; and restrict surface alteration or excavation.

Under the easement, restrictions and prohibitions pertaining to protection of riparian natural resources will be addressed in a Creek Conservation Area Management Plan (CCAMP), the objectives and framework for which are specified by the easement. The CCAMP will be developed by MALT and the property owners in order to establish setbacks from certain creeks which are identified in the easement and to restrict certain practices to protect the resources of those creeks. MALT and the Corda family have worked together to identify two "Creek Conservation Areas" on the property which encompass the segments of Novato Creek that cross the property, including the headwaters of Novato Creek near the north end of the property and another section of the creek that transects the southern portion of the property (see Exhibit 3). Management of these areas under the CCAMP will preserve and improve riparian habitat and protect water quality.

MALT is a nonprofit 501(c)(3) organization whose purpose is farmland preservation. Since 1980, when it was founded by a coalition of ranchers and environmentalists to preserve farmland

in Marin County, MALT has acquired agricultural conservation easements and permanently protected 40,500 acres of land on 63 family farms and ranches.

**Site Description:** The property, which was operated as a dairy from the early 1900s until 1994 and is now used for grazing, heifer replacement, and silage production, is located on Novato Boulevard approximately five miles east of the City of Novato. It consists of a single 1214-acre parcel that ranges in elevation from 400 feet to 1200 feet above mean sea level. The property has expansive 360 degree views of the greater San Francisco area including Petaluma, San Pablo Bay, the Sonoma Mountains, and the Pacific Ocean (Exhibit 4).

Approximately 80 percent of the property is usable grassland with the remainder steep and forested with oak woodlands; 25 percent of the soils are suitable to support crops while the remainder is suitable for producing grassland forage. The Corda Ranch supports numerous high quality habitats, including grasslands, oak savannah, coast live oak and Oregon oak woodland, chamise chaparral, and riparian willow scrub.

The entire property lies within, and makes up approximately 13 percent of, the Novato Creek Watershed. The watershed is the largest in eastern Marin County and is located at the northwestern extent of San Pablo Bay (north San Francisco Bay). Novato Creek has been identified as habitat for threatened steelhead trout, Chinook salmon and other State and Federally protected and endangered species, and provides critical fall water flows to protect these species in its reaches below Stafford Lake. Novato Creek drains eastward through oak and bay forests, grasslands, and the City of Novato into San Pablo Bay near the mouth of the Petaluma River.

Novato Boulevard runs east-west across the property dividing it into two sections: an 80-acre southern tract, a portion of which is leased for silage production, and an approximately 1,134-acre northern tract leased by two lessees for heifer replacement and beef cattle grazing. The terrain supports a variety of habitat including oak woodlands, consisting of Oregon oak and coast live oak, canyons and riparian areas, coastal scrub vegetation, bay forests, and grasslands. Both coast live oak and Oregon oak are common on the ranch and provide enhanced habitat value. Oregon oak woodland is uncommon in Marin County, which represents the far southern distribution of the species. The acreage and distribution of Oregon oak woodland on the ranch is thought to be remarkable for this region. The riparian habitat is considered by the California Department of Fish and Game to be sensitive habitat.

The ranch contains four homes, including the original home built in the 1920s, workers' bunkhouses, and two modestly-sized residences built in the 1970s and 1980s that are used by the family. Other structures in the ranch operations center (clustered near Novato Boulevard) include a loafing barn, hay barn, milking room and loading area, corrals, watering troughs and a water storage tank located uphill from the ranch operations center, and a single well located on the south side of Novato Boulevard. There is a simple road network on the property including Novato Road which provides the main ranch access, and a single track road, with minor hilltop access paths, that leads from the operations center and homes to the back end (northern extent) of the property. Additionally, there is gated road access to the back of the property from the private property to the west.

**Project History:** MALT's agricultural conservation easement program is part of an overall effort to preserve Marin County's agricultural land. Forty percent, or 120,000 acres, of Marin County's privately owned land is used for agriculture. Of the agricultural lands, approximately 34 percent, or approximately 41,500 acres, is protected forever by agricultural conservation

easements held by MALT. MALT purchased its first conservation easement in 1983, and now holds 64 agricultural conservation easements.

The Conservancy has a history of interest and involvement in protecting, restoring, and enhancing the agricultural and natural resource values of west Marin. In 1983, with support from SCC funds, MALT acquired its first agricultural easement. Over the past nearly 22 years, the Conservancy has granted \$7,327,500 to MALT resulting in the protection of 9,140 acres of agricultural lands with significant habitat and natural resource protection elements.

Other west Marin County agriculture projects in which the Conservancy has been involved include the 1989 Conservancy study entitled "Evaluation of Agricultural Land Trusts" in which MALT was acknowledged as a successful, competent 501(c)(3) nonprofit organization that had met all the goals required by the Conservancy's previous grants, and grants to assist with riparian corridor fencing on several ranch properties.

### **PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$1,000,000</b>
<b>Natural Resources Conservation Services</b>	<b>\$995,000</b>
<b>MALT(Public and private fundraising)</b>	<b><u>2,000,000</u></b>
<b>Total Project Costs</b>	<b>\$3,950,000</b>

Staff expects to use funds appropriated to the San Francisco Bay Conservancy Program in fiscal year 2007-08 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). This funding source may be used to carry out projects pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The acquisition of the easement over the Corda Ranch property will serve to protect San Francisco Bay resources and stem development of existing agricultural lands and open space and will provide protection for the bay draining waters that cross the property and drain to San Francisco Bay.

Proposition 84 also requires that for acquisition projects that protect natural resources, the Conservancy assess whether the project meets criteria specified in Section 75071. The proposed acquisition satisfies two of the specified criteria: the project will contribute to long-term protection of and improvement to the water and biological quality of a stream within the San Francisco Bay watershed, a "priority watershed". In addition, the project is supported by private matching funds; MALT has committed to raise \$2,950,000 towards the acquisition, of which approximately \$2,000,000 is expected to come from private donations. Finally, as required by Section 75701, Conservancy staff has submitted to the Resources Agency and has posted on the Conservancy's website an explanation as to how the proposed acquisition meets the criteria of that section.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is undertaken pursuant to Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160-31165) which authorizes the Conservancy to undertake projects

and award grants in the nine-county San Francisco Bay Area to public and private agencies and organizations.

Consistent with §31162, the proposed agricultural conservation easement is located in Marin County, one of the nine bay-area counties, and will help to achieve several of the primary goals of the San Francisco Bay Area Conservancy Program by protecting open space, scenic areas, and wildlife habitats (§31162(b)), and assisting with the implementation of the Marin County General Plan (§31162(c)). The Marin County General Plan includes a specific policy supporting the acquisition of perpetual agricultural conservation easements. Acquisition of an agricultural conservation easement on the Corda property will ensure that the open space character of this property will be forever protected.

In addition, the project satisfies all of the five criteria for determining project priority under §31163(c), as follows: 1) the project is fully consistent with and supported by adopted local plans, including the *County of Marin, Unit II (Northern Marin) Local Coastal Plan* as described in the Consistency with Local Coastal Program Policies below; 2) the project serves a multi-jurisdictional constituency, since it will preserve open space and scenic areas for the enjoyment of both local residents and visitors who come from across the region and the nation to the area in which the project is located; 3) the project can be implemented in a timely fashion: once funded, the easement acquisition is expected to occur within 6 months; 4) in the event the project is not implemented promptly, the opportunity for completion of the purchase of the property and the associated grant of the easement may be lost and potential development could occur; and 5) the Conservancy funding for the easement acquisition is matched by MALT with private donations and federal grant funds.

#### **CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10, Objective D**, the proposed project will increase by 1,214 acres the acreage of uplands wildlife habitat and significant open space.

Consistent with **Goal 12, Objective A**, the proposed project will increase by 80 acres the acreage of farmland protected from urban encroachment.

Consistent with **Goal 12, Objective B**, the proposed project will increase by 1,134 acres the acreage of rangeland protected in the nine Bay Area counties.

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

##### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.

3. **Support of the public:** State Senator Mark Leno, State Assemblyman Jarred Huffman, Marin County Supervisor Steve Kinsey and the North Marin Water District support this project. See Exhibit 5 for their letters of support.
4. **Location:** The proposed easement acquisition is located on Novato Boulevard approximately five miles west of the city of Novato, within the nine-county Bay Area. The easement will benefit the San Francisco Bay region by protecting scenic and agricultural values of western Marin County and by protecting the water quality of Novato Creek.
5. **Need:** Due to its location near the city of Novato, the Corda property is very attractive to non-agricultural buyers for one very large or several smaller estates; existing zoning could, in theory, allow up to 20 home sites. The proposed agricultural easement will permanently protect the agricultural uses of this land. While MALT has a long history of successful easement acquisitions, their ability to continue the easement program is predicated on ongoing public funding, in addition to private donations. MALT is committed to fund the remaining nearly three-quarters of the cost of the easement through private donations and, the Natural Resources Conservation Service's ("NRCS") Farm and Ranch Land Protection Program. Conservancy funding is critical to leveraging these funds.
6. **Greater-than-local interest:** A vital part of the North Bay greenbelt, agricultural land in Marin County provides open space, scenic vistas, and wildlife habitat. In addition to serving the residents of Marin County by helping to preserve the agricultural history and protecting drinking water, this project serves local area travelers and tourists that visit west Marin to enjoy its unspoiled landscape, and its incredible scenic values (see Exhibit 3). Preserving the natural resources of this site and protecting it from development furthers these values.
7. **Sea level rise vulnerability:** The project is located on property that ranges in elevation from 400 feet to 1200 feet above mean sea level and is thus in an area that is not vulnerable to impacts due to the projected rise in sea level resulting from global climate change.

#### **Additional Criteria**

10. **Leverage:** See the "Project Financing" section above.
13. **Readiness:** The draft of easement is nearly finalized, and an appraisal has been completed, although it requires updating. Further, MALT is committed to providing the additional funds necessary to complete the project by December 2010.
14. **Realization of prior Conservancy goals:** See "Project History" above.
15. **Cooperation:** This project is a cooperative effort among the Conservancy, MALT, the NRCS, and the landowners.

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The acquisition by MALT of a conservation easement on the Corda Ranch is consistent with the *County of Marin, Unit II (Northern Marin) Local Coastal Plan (LCP)*. The local coastal program policies of the LCP include alternative methods of preserving agricultural land (found at Agriculture Chapter, Item 7), which provides that the "County strongly supports the objectives of the Marin Agricultural Land Trust to protect agricultural lands through . . . purchase . . . of conservation easements on agricultural lands." By acquiring a conservation easement over the Corda Ranch, this project will achieve the above stated objectives.

**COMPLIANCE WITH CEQA:**

Acquisition of a conservation easement over the Corda Ranch is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Section 15325 because it involves the transfer of ownership interests in land to preserve open space and allow for continued agricultural use of the property. Staff will file a Notice of Exemption upon approval of the project.